

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Backward Classes Welfare Department – Vigilance Cell – Krishna District – Sri B. Nagabhushanam formerly Executive Director, DBCSCS, Krishna District, presently, A.O., Rajiv Vidya Mission, Nizamabad – Allegations of irregularities while working as E.D., DBCSCS, Krishna – Charges framed - Enquiry conducted – Allegations held proved partially – Imposition of the punishment of “Stoppage of (2) Annual Grade Increments without cumulative effect” - Orders – ISSUED.

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BACKWARD CLASSES WELFARE (VIGILANCE CELL) DEPARTMENT

G.O.Ms.No.35

Dated the 2nd of August, 2008.

Read the following:

1. Form the V.C & M.D, APBCCFC Ltd, Hyderabad, Lr. No. M/4110/ 2000, dated 30-11-2000.
2. G.O.Rt.No.98, BCW(A1) Dept dated 03-05-2001.
3. From Sri.B.Nagabhushanam, former E.D, DBCSCS Ltd, Krishna, District, Written statement of defence dated 20-06-2001.
4. Govt.Memo No.67/A1/2001 dated 24-07-2001.
5. From the Joint Collector, (Enquiry Officer), Krishna District, Lr.Ref. No. A2/5113/2001 dated 19-10-2001.
6. Govt.Memo.No.67/ Vigil-Cell/2001-06 dated 19-06-2002.
7. From the CBCW., Hyd., Lr.C.No.A2/2481/2001, Dt.31.7.2002 along with Explanation dt.15.7.2002 of Sri B. Nagabhushanam.
8. Govt. Memo No.67/ Vigil-Cell/2001-10, dated 19-04-2005.
9. From Sri B. Nagabhushanam, Explanations dt.6.5.2005, 27.6.2005, 27.7.2005, 11.11.2005 & 14.3.2006.
10. From the APAT, Hyd. orders dt.18.7.2007 in O.A.No.7916/05.
11. Govt. Memo No.67/ Vigil-Cell/2001-29, dated 15.11.2007.
12. From Sri B. Nagabhushanam, Explanations dt.24.12.2007.
13. Govt. Memo No.67/Vig.Cell/2001-17, Dt.02.02.2008 and 4.3.2008.
14. From Sri B. Nagabhushanam, representations, dt.10.04.08 and 11.4.2008.
15. Orders of AP High Court, dt.11.3.2006 in W.P.No.8107/2006.

ORDER :

Whereas, in the reference first read above, it has been brought to the notice of the Government that, Sri. B. Nagabhushanam, former Executive Director, District Backward Classes Service Co-op Society Ltd., Krishna District, has committed certain irregularities in implementation of “ADARANA” Programme in the District.

2. The Articles of charges have been framed against the delinquent officer vide reference 2nd read above, and, the delinquent officer has submitted his written statement of defence vide reference 3rd read above.

3. After having examined the explanation submitted by the Charged Officer and found it not convincing, Orders were issued in ref. 4th read above appointing the Joint Collector, Krishna District, as Enquiry Officer under sub-rule 20 of APCS(CC&A) Rules, 1991 to inquire into the charges framed against the Charged Officer, Sri. B. Nagabhushanam, former Executive Director, District Backward Classes Service Co-op Society Ltd., Krishna District.

4. The Enquiry Officer has submitted his inquiry report in the reference 5th read above. Government, after having examined the enquiry report, issued a Show Cause Notice to the Charged Officer vide ref. 6th read above holding (4) charges proved/partly proved and to show why a major punishment should not be imposed against him under the provisions of APCS (CCA) Rules, 1991. The Charged Officer has submitted his explanation in the reference 7th read above.

5. Further, as the charges are serious in nature, Government have re-examined the entire issue, and issued a revised Show Cause Notice vide reference 8th read above, holding a total (11) charges (i.e., Charge No.II, III, V, VI, VII, VIII, IX, XIII, XIV, XVI & XXI) as proved and dropping the remaining (11) charges and directed the charged officer to show as to why a major penalty of “Reduction by two stages in time scale of pay, permanently, should not be imposed against him, within 15 days.

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6. In the reference 10th read above, the Hon'ble Tribunal, in its orders dated 18.7.2007 in OA No.7916/2005 filed by the Delinquent Officer, has set aside the Govt.Memo.No.67/Vig.Cell/2001-10, Dt.19.4.2005 and remanded the case to Government, to issue fresh show cause notice to the applicant and pass appropriate orders in accordance with the rules after receiving the explanation of the applicant and after giving him an opportunity of hearing.

7. Accordingly, Government have reviewed the case in the light of the above Orders of Hon'ble APAT and re-examined the report of the Enquiry Officer in detail with reference to the material on record and held (11) charges as proved and vide ref.11th read above, directed the C.O. to show cause as to why a major punishment of **"Reduction by two stages in the time scale of pay permanently"** should not be imposed against him within 15 days from the date of receipt of the Show Cause Notice.

8. In ref. 12th read above, Sri B. Nagabhushanam, has submitted his explanation. Government after having examined his explanation has granted him, vide ref.13th read above, an opportunity of hearing on 10.4.2008 as per the orders of APAT and examined his representations submitted in ref.16th read above.

9. In the light of above facts, Govt. have reviewed the entire matter carefully and finally it is found that, the Charges No. 2, 3, 6, 8 and 16 are related to procedural lapses and the decisions were approved the Dist. Collector/Chairman, DBCSCS and the Charges No. 9 and 21 are of not very serious nature. In respect of the other four charges i.e. the Charges No. 5, 7, 13 and 14, the Charged Officer could not answer satisfactorily. The Charges No.5 and 7 held to be partially proved and Charges No. 13 and 14, are held to be proved.

10. In the circumstances stated above, Government after having carefully examined in all angles and all the facts of the case, hereby order to impose the punishment of **"Stoppage of two Annual grade increments without cumulative effect"** on Sri. B. Nagabhushanam, former Executive Director, District Backward Classes Service Co-op Society Ltd., Krishna District, presently working as A.O., Rajiv Vidya Mission, Nizamabad.

11. The Director, Backward Classes Welfare, A.P., Hyderabad, shall take necessary action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.SATYANARAYANA RAO
SECRETARY TO GOVERNMENT

To,
Sri B. Nagabhushanam, former Executive Director, District Backward Classes Service Co-op Society Ltd., Krishna District, presently, A.O., Rajiv Vidya Mission, Nizamabad through the Director, B.C.Welfare, A.P., Hyderabad.
The VC&MD, APBCCFC Ltd.,
The Director, B.C.Welfare, A.P., Hyderabad.
The Collector and District Magistrate, Krishna District at Machilipatnam.

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// FORWARDED :: BY ORDER //

SECTION OFFICER